

REGULAR MEETING

November 4, 1996

The Regular Meeting of the Annapolis City Council was held on November 4, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Snowden offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, Moyer

Staff Present: City Attorney Goetzke, Acting Planning and Zoning Director Arason, Public Works Director Patmore, Finance Director Sulick, Central Services Officer Harrison

Alderman Snowden moved to approve the Minutes of October 14 and 21, 1996. Seconded. CARRIED on voice vote.

Mayor Hopkins and Personnel Director Davis presented "Over 25 Years of Service" Awards to the following City employees:

Norman W. Davis	Fire Department
Patricia A. Como	Fire Department
Cassin B. Gittings	Police Department

Mayor Hopkins and Former Mayor Roger "Pip" Moyer presented a Certificate of Distinguished Citizenship to Midshipman First Class Sam Zager on behalf of the USNA Interfaith Community.

PUBLIC HEARING

Consideration of three design alternatives proposed for the Taylor/West Circle.

City Administrator Prehn presented a background report. Public Works Director Patmore, Finance Director Sulick, Ed Myers, Hursch-Roche Engineers and Chris Goettge, The Faux Group spoke briefly and answered questions addressed by the Council. The Council also addressed questions to Central Services Officer Harrison.

The following persons spoke regarding the proposed design alternatives:

1. Arthur Greenbaum
Constitution Square
Annapolis, Md. 21401
2. Steve Duckett, President
Arundel Rug Cleaners
47 Spa Road
Annapolis, Md. 21401
3. Joseph Margolis
2 Constitution Square
Annapolis, Md. 21401
4. Helen Mays
57 Spa Road
Annapolis, Md. 21401
5. Cheryl Green
62 Spa Road
Annapolis, Md. 21401

6. Sandra Meneke
53 Spa Road
Annapolis, Md. 21401
7. Benjamin F. Bronner
805 Spa Road
Annapolis, Md. 21401
8. Tony Evans
3 Constitution Square
Annapolis, Md. 21401
9. Robert Youngblood
Greater Annapolis Chamber of Commerce
1 Annapolis Street
Annapolis, Md. 21401
10. Barbara Samorajczyk
2525 Carrollton Road
Annapolis, Md. 21403
11. Yolando Goodrum
810 Spa Road
Annapolis, Md. 21401
12. Gil Renaut, President
Ward One Residents Association
115 Monticello Avenue
Annapolis, Md. 21401
13. Tom Davies
16 College Avenue
Annapolis, Md. 21401
14. Charles Bohl
1 Annapolis Street
Annapolis, Md. 21401
15. Joe Kelly
53 Spa Road
Annapolis, Md. 21401
16. David Blocks
73 Spa Road
Annapolis, Md. 21401
17. Paul Elder
Shipwright Street
Annapolis, Md. 21401
18. Jim Martin
29 Bristol Drive
Annapolis, Md. 21401
19. Frank Gardiner
2111 Baldwin Avenue
Crofton, Md. 21114

No one else from the general public spoke on the alternatives.

Mayor Hopkins declared the public hearing closed.

There being no voiced objection, the order of the Agenda was amended to allow Legislation Action.

RESOLUTIONS

R-55-96 For the purpose of amending the Taylor/West Gateway Circle (a.k.a. "West Street: Connector") project set forth in the FY97 Capital Improvement Program and Budget; clarifying the design of the project; amending the FY 1998-2002 Capital Improvement Program; and all matters relating to said project.

Alderman Turner moved to adopt R-55-96. Seconded.

Alderman Turner moved to amend R-55-96 as follows:

On page 1, line 34, immediately preceding "design", insert "conceptual"; on line 40, immediately following "Schedule" insert "Total Cost"; on line 40 immediately following "Exhibit" insert "1"; and on line 41 strike "3 hereto".

Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken on the main motion, as amended:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner
NAYS: Alderman Moyer
CARRIED: 7-1

R-54-96 For the purpose of requiring that the design and development of a traffic circle at West Street and Taylor Avenue meets urban design goals as well as appropriate engineering standards; and all matters relating to said traffic circle.

Alderman Snowden moved to adopt R-54-96. Seconded.

Alderman Johnson moved to amend R-54-96 as follows:

On Page 2, strike lines 1 through 14 in their entirety and substitute the following:

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that Capital Project #445 shall be designed to ensure that the development of the circle meets urban design goals as well as appropriate engineering standards, and that the urban design contained in the "New Circle" design by Bohl Architects, dated November 1, 1995, be considered as part of this resolution.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that design guidelines for properties in the vicinity of the circle be prepared to ensure private development compatible with the urban design goals of the circle.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that all necessary professional design services be obtained if it feels necessary for the preparation of these guidelines and review of the urban design elements of the circle

consistent with the proposal prepared by Charles Bohl and presented to the City Council in 1993, subject to procurement and budgeting procedures of the City Code.

Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt R-54-96 as amended. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Mary Alice Gehrdes
403 Edgemere Drive
Annapolis, Md. 21403

Spoke regarding R-52-96.

2. Alan Hyatt, Esquire
1919 West Street
Annapolis, Md. 21401

Spoke regarding R-21-96 and R-27-97.

ACTION ON APPLICATIONS AND APPEALS

- R-21-96** For the purpose of annexing certain property lying near Bywater Road, contiguous to the existing boundary of the City of Annapolis. (Chrisland property)

Alderman Snowden moved to adopt R-21-96. Seconded.

Alderman Tullier moved to amend R-21-96 as follows:

Amendment No. 1:

On page 8, strike lines 33 through 40 and substitute the following:

1. Notwithstanding anything contained to the contrary in the Conditions to this Resolution, the developer of the Property shall pay an annexation impact fee of \$1,000 per residential unit or the equivalent non-residential unit as determined by the Department of Public Works, which fee shall, in part, be utilized toward sewer allocation fees and fees to upgrade the City's water storage capacity, as detailed in the memorandum from the Director of Public Works to the Mayor and Aldermen dated October 28, 1996.

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend R-21-96 as follows:

Amendment No. 2:

On Page 11, line 11, add the following condition:

21. If the Anne Arundel County archeologist determines that the property is a candidate for an archeological study, the developer will conduct such a study as directed by the County archeologist prior to issuance of any grading

permits. A copy of the final report shall be forwarded for information and review to the City Council and the Department of Planning and Zoning.

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend R-21-96 as follows:

Amendment No. 3:

On Page 2, strike lines 12 through 18 in their entirety; and on Page 8, strike lines 24 through 27 in their entirety.

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend R-21-96 as follows:

Amendment No. 4:

On page 10, line 24, strike "capital facility assessment charges".

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend R-21-96 as follows:

Amendment No. 5:

On page 11, add a new condition as follows:

22. There shall be no use and occupancy permit issued for any improvements on this property until the Planning and Zoning Director shall have determined, to his or her satisfaction, that one or more road projects, intended to improve the Forest Drive corridor's traffic capacity, shall have been designed, fully funded and construction either commenced or scheduled for imminent commencement.

Seconded. CARRIED on voice vote.

Alderman Tullier moved to amend R-21-96 as follows:

Amendment No. 6:

On page 11 strike condition no. 18 in its entirety.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt R-21-96 as amended. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Tullier, Snowden, Turner, Moyer
NAYS: Alderman Johnson
CARRIED: 6-1

R-27-96 For the purpose of annexing certain property lying near Greenbriar Lane and Forest Drive, contiguous to the existing boundary of the City of Annapolis. (Skipper property)

Alderman Snowden moved to adopt R-27-96. Seconded.

Alderman Tullier moved to amend R-27-96 as follows:

Amendment No. 1:

On Page 2, strike lines 12 through 18 in their entirety; and on Page 4, strike lines 1 through 3 in their entirety.

Amendment No. 2:

On Page 6, line 19, add the following condition:

21. If the Anne Arundel County archeologist determines that the property is a candidate for an archeological study, the developer will conduct such a study as directed by the County archeologist prior to issuance of any grading permits. A copy of the final report shall be forwarded for information and review to the City Council and the Department of Planning and Zoning.

Amendment No. 3:

On page 6, add a new condition as follows:

22. There shall be no use and occupancy permit issued for any improvements on this property until the Planning and Zoning Director shall have determined, to his or her satisfaction, that one or more road projects, intended to improve the Forest Drive corridor's traffic capacity, shall have been designed, fully funded and construction either commenced or scheduled for imminent commencement.

Amendment No. 4:

On page 4 strike condition no. 1 and substitute the following:

1. Notwithstanding anything contained to the contrary in the Conditions to this Resolution, the developer of the Property shall pay an annexation impact fee of \$1,000 per residential unit or the equivalent non-residential unit as determined by the Department of Public Works, which fee shall, in part, be utilized toward sewer allocation fees and fees to upgrade the City's water storage capacity, as detailed in the memorandum from the Director of Public Works to the Mayor and Aldermen dated October 28, 1996.

Amendment No. 5:

On page 6, line 4, strike "capital facility assessment charges".

Amendment No. 6:

On page 11 strike condition no. 18 in its entirety.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt R-27-96 as amended. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Tullier, Snowden, Turner, Moyer

NAYS: Alderman Johnson

CARRIED: 6-1

- R-48-96** For the purpose of approving the application of W/M enterprise, Inc., t/a Ramshead Tavern for a conditional use to expand an existing restaurant and bar located at 29-33 West Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Turner moved to adopt R-48-96. Seconded.

Alderman Snowden moved to suspend the rules to dispense with the seven day reply period on R-48-96. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken on the main motion:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,
Turner, Moyer

CARRIED: 7-0

- R-49-96** For the purpose of approving the application of Man Cheung, Inc. and Blackistone Corner Joint Venture for a conditional use to establish a delivery service for an existing carryout delicatessen located at the intersection of Forest Drive, Fairfax Crossing and Chinguapin Round Road in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-49-96. Seconded.

Alderman Snowden moved to suspend the rules to dispense with the seven day reply period on R-49-96. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken on the main motion:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, Moyer

CARRIED: 8-0

- R-50-96** For the purpose of approving the application of Main Street Trattoria, Inc. for a conditional use to establish a standard restaurant/delicatessen located at 81 Main Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-50-96. Seconded.

Alderman Snowden moved to suspend the rules to dispense with the seven day reply period on R-50-96. Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend R-50-96 as follows:

On page 2, strike lines 24 and 25 in its entirety and substitute the following:

3. The hours of operation of the second floor restaurant shall be limited to 6:00 a.m. to 12:00 midnight, seven days per week. The hours of operation of the first floor delicatessen shall be limited to 6:00 a.m. to 2:00 a.m., provided, however, that the sale of packaged good (beer and wine) shall cease at 11:00 p.m., seven days per week. Interior signage shall be posted to this effect.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, Moyer
NAYS: Alderman Turner
ABSTAIN: Alderman Hammond
CARRIED: 6-1-1

A ROLL CALL vote was taken on the main motion, as amended:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, Turner, Moyer
ABSTAIN: Alderman Hammond
CARRIED: 7-0-1

LEGISLATIVE ACTION

ORDINANCES

O-31-96 For the purpose of restricting parking on certain streets, on certain days during certain hours to allow street sweepers to clean those streets; to allow residential parking permit holders on those streets to park without charge in the Noah Hillman Garage in conjunction with the said parking restrictions; and all matters relating to said parking restrictions.

Alderman Snowden moved to postpone consideration of O-31-96. Seconded.
CARRIED on voice vote.

O-37-96 For the purpose of establishing a program for the collection of recyclable materials from commercial establishments; and all matters relating to said recycling program.

Alderman Snowden moved to postpone consideration of O-37-96. Seconded.
CARRIED on voice vote.

O-43-96 For the purpose of providing for the designation of revitalization areas which shall qualify properties located therein to pay reduced permit fees under certain conditions; establishing the duration for such designation; deleting Section 17.28.090H and I, in their entirety; and all matters relating to said revitalization areas.

Alderman Snowden moved to postpone consideration of O-43-96. Seconded.
CARRIED on voice vote.

O-46-96 For the purpose of allowing members of the public safety pension plan who had a break in service with the police department and as a result lost credit toward their retirement pension for service prior to the break to buy-back that prior service under certain terms and conditions; and all matters relating to said buy-backs.

Alderman Snowden moved to postpone consideration of O-46-96. Seconded.
CARRIED on voice vote.

Alderman Snowden moved to suspend the rules in order to act on business items after 11:00 p.m. Seconded. CARRIED on voice vote.

- O-62-96** For the purpose of updating the zoning districts and order of district restrictiveness to reflect the inclusion of new zoning districts; repealing in its entirety Chapter 21.44, I2 General Industrial District; and all matters relating to said districts.

Alderman Snowden moved to adopt O-62-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

- O-64-96** For the purpose of requiring that all appointees to the Board of Appeals and Planning Commission shall appear before the City Council prior to confirmation; revising certain duties of the Planning Commission; and all matters relating to said board and commission.

Alderman Snowden moved to adopt O-64-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

- O-65-96** For the purpose of allowing an alderman to arbitrate a compromise under certain conditions for certain administrative issues; and all matters relating to said aldermanic activities.

Alderman Snowden moved to adopt O-65-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

- O-66-96** For the purpose of amending the R1, R1-A and R1-B single family residence districts to allow a country inn as a conditional use in all city residential zoning districts; and all matters relating to said country inns.

Alderman Snowden moved to adopt O-66-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

- O-67-96** For the purpose of requiring all members of the Historic Preservation Commission to be City residents; establishing that the terms shall be staggered; and all matters relating to said Commission.

Alderman Snowden moved to adopt O-67-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

- O-68-96** For the purpose of establishing standards for privatization of services currently provided by City of Annapolis employees when the City Council directs the services to be performed by a private provider and the City service unit is disbanded; and all matters relating to said standards and procedures for procurement.

Alderman Turner moved to adopt O-68-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance and Rules and City Government Committee.

RESOLUTIONS

- R-51-96** For the purpose of supporting the Annapolis Area Ministries, Inc./Light House Shelter's application to the Maryland Department of Housing and Community Development (DHCD) for allocation of tax credits to leverage operating support for the Light House Shelter; and all matters relating to said support.

Alderman Snowden moved to adopt R-51-96. Seconded. CARRIED on voice vote.

- R-53-96** For the purpose of supporting the application from Anne Arundel County Economic Opportunity Committee, Inc., "Your Community Action Agency" (AACEOC, Inc.) to the Maryland Department of Housing and Community Development (DHCD) for allocation of tax credits for its Housing Counseling program; and all matters relating to said support.

Alderman Snowden moved to adopt R-53-96. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Finance Committee Recommendations for Action dated 10/4/96:

- a. Budget Revision Requests:

CT-4-97	GT-25-96	GT-28-97	GT-30-97	GT-33-97
CT-5-97	GT-26-97	GT-29-97(1)	GT-32-97	GT-34-97
CT-6-97	GT-27-97			GT-35-97

Note (1): No action taken. Request that the City Attorney prepare a formal written agreement between the City and Annapolis/Anne Arundel County Conference and Visitors' Bureau Department that will allow both parties to better anticipate the amount of the annual contribution made by City to the Bureau. The Finance Committee will review the agreement and the budget revision at the next meeting.

Recommendation:

Approval of the above requests for budget revisions as presented with conditions and requests as noted.

- b. Transfer of Police Internal Affairs Personnel

Recommendation:

Office space for the Internal Affairs personnel be identified and utilized immediately.

- c. Review of TCI Audit - Jim Lindsey

Recommendation:

The City Attorney initiate procedures to move forward with the collection of payment due to the City under the contract effective December 12, 1994, including liquidated damages.

The City Attorney contact TCI and formally request research of the period covered by the contracts and contract extensions effective prior to December 12, 1994, including the definition of "all other communications and information services" as included in these contracts and contract extensions.

- d. Renegotiation of Lease Agreement - Doug Orr (Eastport Seafood)

Recommendation:

The list of additional suggestions and requests referenced above be forwarded to the City Attorney for his review, to be returned with his recommendations thereon for review at the next Finance Committee meeting.

- e. Request for PILOT Agreement - Trudy McFall (Washington Square)

Recommendation:

Once the Finance Director has approved the additional real property tax and payment information to be submitted by Homes for America, the City Attorney should prepare a PILOT agreement between the City of Annapolis and Homes for America and present it to the Finance Committee for review at the next meeting.

Alderman Snowden moved to approve the above recommendations of the Finance Committee. Seconded. CARRIED on voice vote.

- f. Rent Abatement - Doug Orr (Eastport Seafood)

Recommendation:

Abatement of one months rent as a one-time occurrence, with the recommendation that Eastport Seafood acquire flood insurance with the savings presented by the abatement.

Alderman Snowden moved to approve the above recommendation of the Finance Committee. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Moyer

NAYS: Alderman Turner

CARRIED: 7-1

- g. Waste Water Treatment Plant Capacity

Recommendation:

Having received the recommendation of administration, and pending the approval of the Planning Commission, purchase an increase in the City's capacity in the Waste Water Treatment Plant from 5.4 million gallons to 7 million gallons at the rate of \$.70 per gallon.

Alderman Snowden moved to approve the above recommendation of the Finance Committee. Seconded. CARRIED on voice vote.

2. Finance Committee Recommendations for Action dated 10/24/96:

a. Budget Revision Requests

CT-7-97	GT-36-97	GT-39-97
CT-8-97	GT-37-97	
CT-9-97	GT-38-97	

Recommendation:

Approval of the above budget revision requests.

Alderman Snowden moved to approve the above recommendation of the Finance Committee. Seconded. CARRIED on voice vote.

3. Metricom Agreement

Alderman Snowden moved to approve the "Consent to Attach, Install, Operate and Maintain A Wireless Digital Communications Radio Network in City Rights-of-Way" between the City of Annapolis and Metricom DC, L.L.C., a Delaware Limited Liability Company. Seconded. CARRIED on voice vote.

4. 110 Clay Street

Alderman Snowden moved to approve the recommendation of the Finance Committee and approve the request for the waiver of mortgage from South County Residential Projects, Inc. pursuant to a Grant Mortgage for 110 Clay Street Project. Seconded. CARRIED on voice vote.

5. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

6. Appointments

Alderman Snowden moved to confirm the Mayor's appointments/reappointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 10/23/96, 10/31/96 and 11/4/96:

Planning Commission: Charles E. Lamb, FAIA

Historic Preservation Commission: Stacey Shorter
David P. Fogle

Seconded. CARRIED on voice vote.

7. Closed Session

Alderman Snowden moved to have a closed meeting on November 18, 1996 at 6:30 p.m. in the City Council Chamber in accordance with Maryland State Government Article Sections 10-508(a)(1)(I) to discuss the following matter:

(1) Confirmation of appointment of Planning and Zoning Director.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, Moyer
CARRIED: 8-0

Upon motion duly made, seconded and adopted, the meeting was adjourned at 12:15 a.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**